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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,955	12/20/2000	Tammara Combs	80994DMW	8704

7590 09/15/2003

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/742,955

Applicant(s)

Combs et al

Examiner

Steve Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. This application has been examined.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (6222937) and Schmitt (5983220).

4. Regarding claim 1, Cohen et al show navigating pictures (column 2 lines 20-45), providing first, second, and third dimensions representing first, second, and third characteristics of grouped pictures (Figure 7, Figure 21, column 5 lines 5-35, column 7 lines 39-60, column 18 lines 35-50), and providing in a scatter plot a plurality of pictures according to each dimension along each axis (Figure 7, column 7 lines 39-60). The third dimension is evidenced by distinct visual characteristics of the icons (shading, Figure 7). Cohen et al do not specifically show how the pictures are retrieved from a database, where each icon represents a group of pictures in a database, but Schmitt shows this (abstract, Figure 16, 23, column 2 lines 35-65) to navigate

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pictures. It would have been obvious to a person with ordinary skill in the art to have this in Cohen et al, because it would provide a convenient way to navigate pictures.

5. Regarding claim 2, Schmitt shows that the dimensions along the display for the icons are determined by metadata stored with the picture data (Figures 3, 9). It would have been obvious to a person with ordinary skill in the art to have this in Cohen et al, because it would provide a convenient way to navigate pictures along axes.

6. Regarding claim 3, those metadata in Schmitt are configurable by a user to represent specific characteristics and attributes (column 4 lines 25-52). This is part of the feature in which the obviousness to combine follows as above.

7. Regarding claim 4, the dimensions are linked and changes to one affect the others (Cohen et al Figure 33, column 16 lines 20-57).

8. Regarding claim 5, the groups of pictures are pictures in a common strip of film (Cohen et al column 4 lines 5-15, column 5 lines 1-14, different shots taken of the same object, also column 7 lines 30-40).

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9. Regarding claim 6, the third dimension is evidenced by shading/color differences (Cohen et al Figure 7).
10. Regarding claim 7, the gradations are determinable by a user (Cohen et al Figures 7, 9A-E, column 7 lines 15-25).
11. Regarding claim 8, neither Cohen et al nor Schmitt show identifiable persons, but Official Notice is taken that this is possible. It would have been obvious to a person with ordinary skill in the art to have identifiable persons as pictures in Cohen et al, because it would be a convenient attribute or characteristic to use.
12. Regarding claim 9, Cohen et al show the characteristics show an identifiable object (column 4 lines 5-15, same identifiable object).
13. Regarding claim 10, Schmitt shows identifiable events (Figure 26, car feature selection). It would have been obvious to a person with ordinary skill in the art to have this in the pictures of Cohen et al, because it would be a convenient attribute or characteristic to use.
14. Regarding claim 11, the pictures characteristics in Cohen et al include temporal information (column 6 lines 5-19).

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15. Regarding claims 12-13, the date or time of day of capture is not specifically mentioned in Cohen et al or Schmitt, but Official Notice is taken that this is possible. it would have been obvious to a person with ordinary skill in the art to have this, because it would provide a convenient way to obtain temporal information.

16. Regarding claim 14, the characteristics include identifiable capture locations (column 7 lines 15-47, column 25 lines 5-36).

17. Regarding claim 15, the characteristics include explanatory comments (Schmitt Figure 16). It would have been obvious to a person with ordinary skill in the art to include this in Cohen et al, because it would provide a convenient way to navigate pictures.

18. Claims 16-20 show the same features as above and are rejected for the same reasons.

19. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX  
PRIMARY EXAMINER